Calendar No. 1050

98TH CONGRESS
2d Session

SENATE

REPORT
98-554

CONVEYANCE OF CERTAIN FEDERAL LAND AND IMPROVEMENTS TO BRIGHAM CITY, UTAH

JULY 17, 1984.—Ordered to be printed

Filed under authority of the order of the Senate of June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2036]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2036), to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah, having considered the same reports favorably thereon with amendments to the text, and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 3, delete "(a)".
2. On page 1, line 5 and 6, strike "land described in subsection (b)" and insert in lieu thereof "remaining Federal property at the Intermountain Indian Boarding School".
3. On page 1, line 6, after the word "shall" insert the following: "publish the legal description of such property in the Federal Register, and shall".
4. On page 2, line 1, strike subsection "(b)" and all that follows through line 15 on page 5.

PURPOSE

The purpose of S. 2036 is to convey without consideration, approximately 170 acres and appurtenant improvements, formerly used by the U.S. Department of the Interior/Bureau of Indian Affairs (USDI/BIA) for Intermountain Indian Boarding School, to Brigham City, Utah.

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BACKGROUND

The subject property was originally donated to the War Department by Brigham City in 1942 for the future site of Bushnell Military Hospital. In addition, the city provided power, water and sewer lines, paved roads, and sand and gravel for building construction at no cost to the Federal Government.

A 3,700-bed hospital was completed in 1943, at a cost of $9.8 million, and used by the Army until 1946. Shortly thereafter it was declared surplus to military or VA needs. In 1949, the site and appurtenant improvements were transferred to USDI/BIA to be used as a vocational school for Indian children as well as for housing and training of adult Indians for off-reservation employment.

The premises have been used for those purposes and referred to as the "Intermountain Indian Boarding School" since that time.

In recent years enrollment has declined and the facilities have been under-utilized. The physical plant is in need of extensive renovation and repair, at costs estimates ranging from $5 to $10 million. This situation prompted the Congress to direct the schools closing by June 30, 1984, and to provide $200,000 to Brigham City to identify and analyze possible uses for the facility. (1984 Interior Appropriations Act, Public Law 98–146.)

The USDI/BIA has budgeted $1.7 million in fiscal year 1985 for closure cost, security and maintenance of the facility. Further, until the property is disposed of, the Federal Government will have maintenance and security costs estimated at $500,000 to $1 million per year after fiscal year 1985.

The city of Brigham City is definitely interested in acquiring the site.

LEGISLATIVE HISTORY

S. 2036 was introduced by Mr. Garn (for himself and Mr. Hatch) on November 1, 1983. A hearing before the Senate Subcommittee on Public Lands and Reserved Water was held on May 22, 1984. The Administration does not object to the conveyance, but proposes an amendment to include certain other tracts.

At a business meeting on June 27, 1984, the Committee on Energy and Natural Resources ordered S. 2036 as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass S. 2036, if amended, as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield[1]	
Mr. Weicker	
Mr. Domenici[1]	
Mr. Wallop	

Mr. Warner
Mr. Murkowski[1]
Mr. Nickles
Mr. Hecht[1]
Mr. Chafee[1]
Mr. Heinz[1]
Mr. Evans
Mr. Johnston[1]
Mr. Bumpers
Mr. Ford
Mr. Matsunaga
Mr. Melcher
Mr. Tsongas[1]
Mr. Bradley
Mr. Levin[1]

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

The Committee adopted 4 amendments to S. 2036 as introduced. The Administration, in testimony, questioned the accruacy of the description and acreage of property to be conveyed as defined in the bill, as introduced. In view of such testimony, the Committee chose to remove the questionable legal descriptions from the bill and in lieu thereof, to require publication of the accurate legal descriptions in the Federal Register prior to the conveyance. All four amendments serve this purpose.

Amendment 1 removes a subsection designation that is no longer necessary.

Amendment 2 removes reference to land descriptions in subsection (b) and in lieu thereof, refers to all remaining Federal property at the school. The Committee is aware of the approximate 1.4-acre tract that was separated from the main school property by construction of a highway and that this tract is currently vacant. The Committee intends that this 1.4-acre tract be included in the conveyance to Brigham City.

Amendment 3 requires the publicaiton of the land descriptions in the Federal Register. The Committee would expect the Federal Register notice to allow a reasonable time period for public scrutiny of the legal land descriptions before the actual conveyance is consumated.

Amendment 4 removes all of the questionable legal descriptions.

COST AND BUDGETARY CONSIDERATIONS

The Committee does not intend that this measure (S. 2036) authorize any additional budget authority for fiscal year 1984 and fiscal year 1985 than that already available to the Department of the Interior. The Committee intends that if any fiscal year 1984 and fiscal year 1985 costs are incurred from implementation of the bill that they will be absorbed within funds otherwise available to the Department of the Interior.

The following estimate of the cost of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2036, a bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah, as ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984.

This bill directs the Secretary of the Interior to convey, without charge, certain lands and improvements at Intermountain Indian boarding school to the city of Brigham City, Utah. Based on information from the Bureau of Indian Affairs, it is estimated that the fair market value of the land and facilities being conveyed is approximately $19 million. Transaction costs to federal, state, and local governments are not expected to be significant.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK,
(For Rudolph G. Penner, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2036. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2036 as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 2036 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 29, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 2036, a bill "To require the Secretary of the Interior to convey to the City of Brigham City, Utah, certain land and improvements in Box Elder County, Utah."

The Administration believes that adequate authority exists for handling such conveyances under the Federal Property Act and the Federal Land Policy and Management Act, and prefers to handle this case under existing law. However, if the Congress deems it desirable to enact this new authority, we would not object to the enactment of S. 2036.

If enacted, S. 2036 would transfer 170 acres, more or less, of Federally-owned land presently administered by the Bureau of Indian Affairs, to the City of Brigham City, Utah. All right, title, and interest of the United States in and to such land, including any improvements thereon, will be included in the transfer without compensation to the Federal Government. The transfer would occur after the Bureau of Indian Affairs no longer has a use or need for the land on which to operate an Indian school.

The property which is the subject of this legislation is a portion of the remaining 182.85 acres of approximately 299 acres acquired by the War Department in 1942 and 1943 as the site for the Bushnell General Hospital.

We are informed that the City of Brigham City, as an incentive for the U.S. Government to locate the hospital in the area, provided $60,000 to purchase 17 tracts of land totalling 221.85 acres which comprised the bulk of the hospital property. Moreover, we understand the City agreed to provide power lines, water and sewage lines, hard surface roads to the site, and sand and gravel for building construction at no cost to the Federal Government to aid in the war effort.

The 3,700 bed general and psychiatric hospital was completed in 1943, at a total cost of $9,822,915, and was used by the Army until 1946. It was declared surplus in that year after being rejected for hospital use by the Veterans Administration due to the lack of medical and support personnel in the vicinity, as well as the difficulty in maintaining the facility.

By the Act of March 17, 1949 (63 Stat. 14) the site, buildings, and appurtenant personal property were transferred from the War Assets Administration to the Secretary of the Interior for use by the Bureau of Indian Affairs as a vocational school for Indian children as well as for housing and training of adult Indians for off-reservation employment.

The premises have been used for those purposes and denoted the Intermountain Boarding School since that time. In recent years enrollment at the school has declined and facilities have been underutilized. The school's physical plant is in need of renovation and repair at cost estimates ranging from $5–$10 million. This situation prompted the Congress to direct the School's closing by June 30, 1984 in the fiscal year 1984 Interior Appropriations Act (Public Law 98–146).

In compliance with the order to close the Intermountain Boarding School, we have begun preparation to report the property as excess to the Bureau of Indian Affairs' program needs and plan to submit a Report of Excess to the General Services Administration by the close of this school year. At this point, we plan to dispose of the property by September 30, 1984, pursuant to required scheduling under the President's Work Space Management Initiative.

The fiscal year 1985 closure costs as well as maintenance and security for the facility are budgeted at $1.077 million. In future years, until the property is disposed of, the Federal Government will have continuing maintenance and security costs estimated at between $500,000 and $1 million per year.

As noted, the property is excess to the needs of the Bureau and to the Department. To renovate the structures to make them suitable for some other Federal function would be inordinately expensive. Therefore, we would not object to the no-cost transfer of the property to Brigham City, if the Congress deems it desirable to do so.

Moreover, Congress has already indicated its interest in conveying the site to the City. In the fiscal year 1984 Interior Appropriations Act (Public Law 98–146) $200,000 is provided to the City for the purpose of studying the socio-economic impact on the community as well as to identify and analyze uses for the facilities.

However, we suggest that the bill be amended to include the transfer of the 16.619 acre and the 81.2 acre tracts previously conveyed to the City of Brigham City. Both deeds contain restrictions on use which are different from those in S. 2036. Inclusion of these tracts in this legislation would assure all the Intermountain School property conveyed to the city be held in the same status.

Moreover, we believe the legal description of the property and the amount of remaining acreage contained in the bill is inaccurate. To avoid this problem we would suggest that the bill simply authorize the Secretary to convey the remaining Federally-owned property at the Intermountain Boarding School following publication of a description of the lands to be transferred in the Federal Register.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN W. FRITZ,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2036 as reported.

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Calendar No. 1051

98TH CONGRESS
2d Session

SENATE

REPORT
98-555

AUTHORIZING A LAND CONVEYANCE FROM THE DEPARTMENT OF AGRICULTURE TO PAYSON, ARIZONA

JULY 17, 1984.—Ordered to be printed

Filed under authority of the order of the Senate of June 29 (legislative day, June 25), 1984

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 598]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 598) to authorize a land conveyance from the Department of Agriculture to Payson, Arizona, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 598, as reported, would authorize the Secretary of Agriculture to transfer, without consideration, 1.10 acres of national forest land to the town of Payson, Arizona to be used for the preservation and display of articles of historical significance.

BACKGROUND

The town of Payson is surrounded by national forest land and it is closely tied to Forest Service activities. The parcel to be conveyed is in the center of town, and was used as a ranger station/work center from 1908 to 1969. In 1969, the Forest Service built a new ranger station outside of town and authorized the Payson School District to use the subject tract and buildings for storage.

The town desires to acquire the tract and lease the land and buildings to the Northern Gila County Historical Society. The society proposes to restore the buildings and use the property as a

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museum for preservation and display of historical materials including old Forest Service equipment. The town does not have the financial resources to purchase the tract under the provisions of the Townsite Act.

S. 598 contains a reversionery clause should the property cease to be used for historical purposes.

LEGISLATIVE HISTORY

S. 598 was introduced by Mr. DeConcini (for himself and Mr. Goldwater) on February 24, 1983. A hearing before the Subcommittee on Public Lands and Reserved Water was conducted on June 27, 1983. The Administration does not object to the conveyance, but recommended an amendment to provide for the conveyance to be made at fair market value. At a business meeting on June 27, 1984, the Committee on Energy and Natural Resources ordered S. 598 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 27, 1984, by a unanimous vote of a quorum present recommends that the Senate pass S. 598 without amendment.

The roll call vote on reporting the measure was 20 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield[1]	
Mr. Weicker	
Mr. Domenici[1]	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski[1]	
Mr. Nickles	
Mr. Hecht[1]	
Mr. Chafee[1]	
Mr. Heinz[1]	
Mr. Evans	
Mr. Johnston[1]	
Mr. Bumpers	
Mr. Ford	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas[1]	
Mr. Bradley	
Mr. Levin[1]	

[1] Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of Agriculture to convey certain lands to the town of Payson, Arizona; and contains the legal description of such lands.

Section 2 contains the stipulation that the property will revert to the United States in the event that it is used for any purpose other than the preservation and display of articles of historical significance. The historical purposes referred to in the second sentence of subsection 2(a) are those purposes set forth in the first sentence in that subsection.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 598, a bill to authorize a land conveyance from the Department of Agriculture to Payson, Arizona, as ordered reported by the Senate Committee on Energy and Natural Resources, June 27, 1984.

This bill authorizes the Secretary of Agriculture to transfer, without consideration, approximately 1.1 acres of land in Payson, Arizona to the town of Payson, for the preservation and display of articles of historical significance. Preliminary information from the National Forest Service indicates that, based on comparable real estate transactions in the area, the value of the land being conveyed is approximately $33,000. Transaction costs to federal, state, and local governments are not expected to be significant.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ERIC HANUSHEK
(For Rudolph G. Penner, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 598. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 598 as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of Agriculture and the Office of Management and Budget setting forth executive agency recommendations relating to S. 598 are set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 26, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 598, a bill "To authorize a land conveyance from the Department of Agriculture to Payson, Arizona."

The Department of Agriculture would have no objection to the legislation if amended to require payment of fair market value for the lands conveyed.

S. 598 would authorize the Secretary of Agriculture to transfer about 1.10 acres of National Forest System land to the town of Payson, Arizona. The conveyance would be made without payment by the town. The bill requires that the town use the property for a historical museum to be administered by the Northern Gila County Historical Society. Title to the land would revert to the United States if the land ceased to be used for historical purposes.

The land in question is a part of the Tonto National Forest located in central Arizona. It is situated within the city limits of Payson. The property served as the headquarters of the Payson Ranger District of the National Forest until 1969 when the District offices were relocated to a site on the east side of the town. It is situated on the main street of the town and contains all utilities. An office, residence and garage are located on the property. These structures are presently under special use permit to the Payson Unified School District for use as storage.

The parcel and several other tracts adjacent to the town have been identified as suitable for conveyance to Payson under the provisions of the Townsite Act (Act of July 31, 1958; 72 Stat. 438, as amended). This Act permits communities in the 11 continguous Western States to acquire up to 640 acres of National Forest System land for community expansion upon payment of fair market value for the land.

We believe that conveyance of the property to the town of Payson for use as a historical museum is appropriate. However, in keeping with the President's direction that all conveyances of Federal lands should be at fair market value, and recognizing that the purposes of the Townsite Act are compatible with the objectives of this bill, we believe payment is appropriate and necessary. Several western communities have purchased National Forest System land to expand or provide community services under the Townsite Act. Granting the property to Payson would be unfair to those communities. Thus, we urge the Committee to amend the bill to require payment of fair market value for the land. This can be done by deleting the phrase "without consideration," on line 4, page 1 and inserting "upon payment to the Secretary of Agriculture of an amount equivalent to the fair market value,".

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG,
Acting Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 16, 1984.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request of October 25, 1983, for the views of the Office of Management and Budget on S. 598, a bill "To authorize a land conveyance from the Department of Agriculture to Payson, Arizona."

The Office of Management and Budget concurs in the views of the Department of Agriculture as expressed by Deputy Assistant Secretary Douglas MacCleery in his testimony before your Committee on this bill on June 27, 1983. Accordingly, we would have no objection to enactment of S. 598 if it is amended to require payment of fair market value for conveyance of the land in question to the town of Payson.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, S. 598, as reported.

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